

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION**

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IN RE REGIONS MORGAN KEEGAN SECURITIES,  
DERIVATIVE and ERISA LITIGATION

This Document Relates to:  
*Landers v. Morgan Asset Management, Inc.*,  
No. 2:08-cv-02260-SHM-dkv

— and —

*In re Regions Morgan Keegan Open-End  
Mutual Fund Litigation*,  
No. 2:07-cv-02784-SHM-dkv

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MDL Docket No. 2009

Judge Samuel H. Mays, Jr.

Magistrate Judge Diane K. Vescovo

**LEAD PLAINTIFFS' AND DERIVATIVE PLAINTIFFS' UNOPPOSED JOINT  
MOTION AND MEMORANDUM IN SUPPORT TO SET HEARING ON  
PLAINTIFFS' MOTIONS SEEKING PRELIMINARY APPROVAL OF CLASS  
ACTION AND DERIVATIVE ACTION SETTLEMENTS**

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**Unopposed Joint Motion**

COME NOW Lead Plaintiffs in Case No. 2:07-cv-02784-SHM-dkv (the “*Class Action*”), the Kathryn S. Cashdollar Estate, Dajalis Ltd., Jeanette H. Landers, H. Austin Landers, and Frank D. Tutor and Derivative Plaintiffs in Case No. 2:08-cv-02260-SHM-dkv (the “*Landers Derivative Action*”), H. Austin Landers, Jeanette H. Landers, James H. Frazier, James P. Whitaker and Peggy C. Whitaker, and the Estates of Charles M. Crump and Diana W. Crump (Lead Plaintiffs and Derivative Plaintiffs, collectively the “Plaintiffs”), and respectfully submit this motion and supporting memorandum requesting that the Court schedule a hearing on Lead Plaintiffs’ Motion seeking Preliminary Approval of the Proposed Class Action Settlement and Class Certification (Case No. 07-2784, ECF No. 415) and Derivative Plaintiffs’ Motion for Preliminary Approval of the Proposed Derivative Action Settlement (Case No. 08-2260, ECF No. 174)(collectively, the “Preliminary Approval Motions”).

**Memorandum in Support**

On January 22, 2015, Plaintiffs filed their Preliminary Approval Motions seeking entry of Orders preliminarily approving the settlements reached in the *Class Action* and the *Landers Derivative Action*. The Preliminary Approval Motions were unopposed by the Defendants in the *Class Action* and the *Landers Derivative Action*. In connection with Lead Plaintiffs’ Motion seeking Preliminary Approval of the Proposed Class Action Settlement and Class Certification (Case No. 07-2784, ECF No. 415), Lead Plaintiffs submitted to the Court a [Proposed] Order Preliminarily Approving Class Settlement and Providing for Notice (“Class Settlement Preliminary Approval Order”). The Class Settlement Preliminary Approval Order makes reference to a preliminary fairness hearing being held before the Court, during which the parties are to present oral arguments addressing the proposed Class

Settlement. In addition, Derivative Plaintiffs submitted to the Court a [Proposed] Order Preliminarily Approving Derivative Settlement and Providing for Notice (the “Derivative Settlement Preliminary Approval Order”). The Derivative Settlement Preliminary Approval Order makes reference to a preliminary fairness hearing being held before the Court, during which the parties are to present oral arguments addressing the proposed Derivative Settlement.

The Preliminary Approval Motions contemplate that the Court will conduct a preliminary fairness hearing before the Court can enter the Class Settlement Preliminary Approval Order that has been submitted to the Court by the Lead Plaintiffs and the Derivative Settlement Preliminary Approval Order that has been submitted to the Court by Derivative Plaintiffs. Pursuant to Fed. R. Civ. P. 16(a) the Court may order the attorneys in an action to appear for one or more pretrial conferences for such purposes as: (1) expediting disposition of the action ... and (5) facilitating settlement. In keeping with the purposes addressed in Fed. R. Civ. P. 16(a)(1) and (5), Plaintiffs request the Court to schedule a preliminary fairness hearing (the “Preliminary Fairness Hearing”) on Lead Plaintiffs’ Motion seeking Preliminary Approval of the Proposed Class Action Settlement and Class Certification (Case No. 07-2784, ECF No. 415) and on Derivative Plaintiffs’ Motion for Preliminary Approval of the Proposed Derivative Action Settlement (Case No. 08-2260, ECF No. 174). If the Court believes that it is necessary to hold a status conference with counsel for all parties for the purpose of scheduling the Preliminary Fairness Hearing, counsel for all parties are prepared to participate in such a status conference.

#### **Consultation by Counsel**

Pursuant to LR 7.2 (a)(1)(B) of the Local Rules of the United States District Court for the Western District of Tennessee, filed herewith is a Certificate of Consultation with Counsel affirming that counsel for Plaintiffs and Defendants have consulted with one another concerning this Joint Motion, that Defendants do not oppose this Joint Motion, and that Defendants are in agreement with the action requested by this Joint Motion.

**Proposed Order**

A proposed order approving the Joint Motion to Set Hearing will be transmitted to the Court via e-mail in accordance with the requirements of LR 7.2 (a)(1)(A) of the Local Rules of the U.S. District Court for the Western District of Tennessee.

Dated: February 18 , 2015

Respectfully submitted,

**APPERSON CRUMP PLC**

*s/ Jerome A. Broadhurst*

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that this 18th day of February, 2015, a true and correct copy of PLAINTIFFS' UNOPPOSED JOINT MOTION AND MEMORANDUM IN SUPPORT TO SET HEARING ON PLAINTIFFS' MOTIONS SEEKING PRELIMINARY APPROVAL OF CLASS ACTION AND DERIVATIVE ACTION SETTLEMENTS was served by electronic means via e-mail transmission (including the Court's ECF System) on the following:

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